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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 1:21-cv-305-MR-WCM

FILED
ASHEVILLE, NC
MAR 12 2024
U.S. DISTRICT COURT
W. DISTRICT OF N.C.

BROTHER T. HESED-EL,)	
)	
Plaintiff,)	
v.)	MOTION TO DECLARE STATUTE
)	UNCONSTITUTIONAL AS APPLIED
ROBIN BRYSON, et al.,)	
)	
Defendants.)	

COMES NOW Brother T. Hesed-El (hereinafter "Plaintiff"), pursuant to Rule 5.1 of the Federal Rules of Civil Procedure, and hereby moves the Court to declare that G.S. § 122C-210.1 is unconstitutional as applied in this case. Pursuant to Local Rule 7.1, the parties have consulted on this matter and the defendants oppose this motion.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that pursuant to 28 USC § 2403(b), the Court will (1) certify to the appropriate attorney general that G.S. § 122C-210.1 has been questioned; (2) provide the parties with a copy of that certification;¹ (3) enter an order declaring that G.S. § 122C-210.1 is unconstitutional as applied in this case; and (4) grant Plaintiff leave to proceed on all cognizable claims and causes of actions present in the First Amended Complaint.²

/s/ Brother T. Hesed-El, A.K.

ro se

ENT

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¹ If this court in fact has previously certified this constitutional question to the appropriate attorney general, as raised by Plaintiff in any previous paper, Plaintiff respectfully requests a copy of said certification.

² Plaintiff has outlined six plausible claims for relief in the Motion for Rule 60(b) (1) Relief filed contemporaneously with this motion.

CERTIFICATE OF SERVICE

The undersigned certifies that this MOTION TO DECLARE STATUTE UNCONSTITUTIONAL AS APPLIED has been sealed in an envelope with sufficient postage affixed thereon, and deposited into the exclusive custody of the United States Post Office, to ensure delivery to:

Robin Bryson and Mission Hospital Inc.
% Attorney Daniel H. Walsh
ROBERTS & STEVEN, P.A.
Post Office Box 7647
Asheville, North Carolina 28802
dwalsh@roberts-stevens.com

March 8, 2024

/s/ Brother T. Hesed-El, ARR
Bro. T. Hesed-El, Plaintiff *pro se*